

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WALTER NEAL,

Petitioner,

CIVIL ACTION NO. 07-CV-11368-DT

vs.

DISTRICT JUDGE MARIANNE O. BATTANI

BLAINE LAFLER,

MAGISTRATE JUDGE MONA K. MAJZOUN

Respondent.

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ORDER DENYING PETITIONER'S MOTION TO AMEND EXHIBIT

This matter comes before the Court on Petitioner's Motion to Amend Exhibit in this habeas corpus action. (Docket no. 16). No response has been filed to this motion. All pretrial matters have been referred to the undersigned for decision. (Docket no. 17). The Court dispenses with oral argument on this motion pursuant to E.D. Mich. LR 7.1(e). Petitioner's motion is now ready for ruling.

Petitioner requests by this motion relief in the form of having Respondent produce documents that this Court deems necessary to make a just verdict. This request is moot because the Court has already ordered Respondent to produce the state court record, and those documents have been filed. (Docket nos. 11, 12). Petitioner also requests "to Amend this document as an Exhibit as evidence that there are no RECORDS of any D.N.A. Evidence." (Docket no. 16 at 3). Petitioner shows that he requested discovery from the Muskegon County Circuit Court, and that court denied his motion stating that the court had already sent Petitioner a free copy of the entire court file. (*Id.* ex. B). Petitioner argues that this document shows that there are no records of DNA evidence

against him. The document clearly does not establish this fact. Although the Court will allow this document to remain in the record as an exhibit to Petitioner's motion, Petitioner's motion is denied as to any further relief on that matter. Finally, Petitioner requests that this case be remanded back to the lower court for "evidentiary purposes." (Docket no. 16 at 3). This request is premature before the Court makes a recommendation on Petitioner's petition.

IT IS THEREFORE ORDERED that Petitioner's Motion to Amend Exhibit (docket no. 16) is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: March 04, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Walter Neal and Counsel of Record on this date.

Dated: March 04, 2009

s/ Lisa C. Bartlett
Courtroom Deputy